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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.(C) No. 374/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANTS CLAIMANTS	1.	Bhagwantin Bai, Wd/o Ram Kumar Sen Aged about 39 yrs.
	2.	Ku. Radhika, aged about 20 yrs.
	3.	Raju Ram,.S/o Ram Kumar Sen, aged about 75 yrs.
	4.	Mansha Ram, S/o Late Jait Ram, aged about 75 yrs.
		Appellant nos. 2 & 3 are represented by legal guardian mother Bhagawantin Bai. All Resident of Vill. Bhatbhera, P.S. Suhela, Distt. Raipur (CG)
		Versus
RESPONDENTS NON-APPLICANTS	1.	Thanu Ram, S/o Sukhau Nirmalkar, R/o Vill. Bhatbhera, Distt. Raipur (CG)
	2.	Dilip Kumar, S/o Ayodhya Prasad Verma, R/o Vill. Sakalor, Post Hirami, Distt. Raipur (CG)
	3.	Iffco Tokiyo General Insurance Co. Ltd. Through Competent Authority, Sector-1 Shankar Nagar, Raipur (CG)

Present:-
Shri P.M. Shrivas, counsel for the appellants.

ORAL ORDER

(Passed On 30th March, 2007)

Heard on I.A. No. 1/2007 for condonation of delay.

2. In a case of death of a 19 year old young lad, resulting due to a motor vehicle accident, compensation of Rs.2,28,500/- was awarded by the M.A.C.T. Raipur vide award dated 29.4.2006 to the mother, brother and sisters of the deceased.

3. An appeal under Section 173 of the Motor Vehicle Act, 1994 was filed on 2.2.2007 against the award passed by the 9th Additional Motor Accident Claims Tribunal (F.T.C) Raipur dated 29/04/2006 after a delay of 172 days. The appeal is thus grossly barred by limitation.

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4. The only ground mentioned in the application for condonation of delay is that the appellants were under an impression that the appeal could be filed at any time. It was also mentioned that the appellants did not have sufficient funds. Learned counsel for the appellants sought permission to withdraw the application for condonation of delay praying for a liberty to file application after conceiving more convincing grounds. However, such liberty cannot be granted now to conceive some more convincing grounds. Prayer is rejected.

5. The contention that the appellants believed that the appeal could be filed at any time is no ground for condoning the delay. The appellants were represented by counsel before the M.A.C.T. Copy of the impugned award dated 29.4.2006 was applied for on 18.5.2006 and was received on 12.6.2006. However, thereafter the appellants went into a complete slumber and the appeal was filed as late as on 02.02.2007. The affidavit filed by the appellant No.1 is also not in a proper speaking format. It is not mentioned as to the contents of which para of the affidavit is based on personal knowledge of the deponent and which para on information received. In my considered opinion, no satisfactory cause has been assigned for condonation of delay in filing this appeal. Accordingly, I.A. No. 1/2007 for condonation of delay is dismissed. Consequently, M.A.C. No. 374/2007 is also dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya